

FLORIDA | Board of Nursing Home Administrators

Rule Workshop

DRAFT MINUTES
September 17, 2015

Gaylord Palms
6000 W Osceola Parkway
Kissimmee Florida 34746



Henry Gerrity, III, NHA
Chair

Scott Lipman, MHSA, NHA
Vice-Chair

Anthony Spivey, DBA
Executive Director

General Board Business started: 1:06 p.m.

The meeting was called to order by Mr. Gerrity, Chair. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Henry Gerrity, III, NHA, Chair
Scott Lipman, MHSA, NHA, Vice-Chair
Chantelle Fernandez, MBA, NHA
Michael Helmer, BA
Patricia Feeney, RN, BSN, HCRM
William Phelan, MS, CAE

STAFF PRESENT:

Anthony Spivey, DBA, Executive Director
Joseph Lesho, Program Operations Administrator

MEMBERS NOT PRESENT:

Christine Hankerson, MSN, MS/P, PhD, RN (Excused by the Chair)

BOARD COUNSEL:

Lawrence Harris, Assistant Attorney General
Office of the Attorney General

COURT REPORTER:

Cindy Green
American Court Reporting
Phone: (407) 896-1813

Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from this meeting can be found online: <http://floridasnursinghomeadmin.gov/meeting-information/>

Section II started at 1:06 p.m.

II. RULE 64B10-16, FLORIDA ADMINISTRATIVE CODE:

Mr. Harris explained that the reason for the meeting was to allow the board and interested parties within the Nursing Home Administrator community to discuss what changes they believe need to be made to the Administrator-in-Training (AIT) rules. He then presented a list of questions he had about certain sections of the rule chapter.

The board began with Rule 64B10-16.001, F.A.C.

Regarding subsection (1), F.A.C., the board expressed their desire to clarify the language and differentiate between an internship and an AIT program. Mr. Lipman suggested changing the word “internship” to “training program,” and Ms. Fernandez suggested changing “...supervision of a preceptor” to “supervision of a board-approved preceptor.”

The board then discussed the issue of AITs being employed by the facilities at which they are receiving their training. The board decided that an AIT should not be employed by the facility at which they are receiving their training.

Mr. Harris then expressed to the board his belief that cross-referencing from the rules to the statutes may cause confusion for applicants and licensees, but cross-referencing between different rules should not pose a problem. After discussion, the board agreed.

The board then discussed whether or not an AIT should be able to complete his or her training at more than one facility. The board agreed that the AIT follows the preceptor, so if the preceptor works at more than one facility, then the AIT can work at those same facilities as long as they continue to be supervised by their preceptor.

The board then discussed ways to encourage licensed administrators to become preceptors.

Mr. Harris asked, in light of the board’s desire to strike the term “assistant administrator,” when it would be appropriate for a preceptor to supervise more than one AIT. After discussion, the board determined that a preceptor may supervise up to two AITs if there is more than one licensed administrator in the building.

1 Mr. Harris then asked if the board was satisfied with the balance of hours as identified in subsection (5), F.A.C. Mr. Lipman
2 suggested simplifying the language to require 40 hours for the 1,000 hour program, and 80 hours for the 2,000 hour program.
3 The board agreed.
4

5 **The board took a break at 3:09 p.m.**
6 **Section II resumed at 3:25 p.m.**
7

8 Mr. Harris moved the discussion to Rule 64B10-16.001(9), F.A.C., and asked the board for their thoughts on the temporary
9 discontinuance of an AIT's training. The board agreed to allow the board monitor to approve the discontinuance, rather than
10 the full board. The board also determined that only one discontinuance should be allowed during the course of a training
11 program, but an AIT in need of an additional discontinuance due to extenuating circumstances could make a request before
12 the board.
13

14 Mr. Harris then asked the board if they would like to create a separate rule to address monitors, or if they were satisfied with
15 the current language where monitors are addressed under the general information section. The board agreed that no change
16 was necessary.
17

18 The discussion moved to Rule 64B10-16.002, F.A.C.
19

20 In regards to subsection (1), the board agreed to change "the Board will approve..." to "the Board will review..." to allow the
21 board the ability to deny an applicant if the application and/or oral review are subpar.
22

23 In regards to subsection (9), Mr. Harris asked the board if they would like to have only the board chair conduct the oral
24 review, or if they would like to proceed with the language as written, which states that "[a] member of the Board may
25 conduct the oral review..." The board agreed that the oral reviews should be conducted by the board chair and/or designee,
26 and opted not to require the reviewer to report to the board.
27

28 Ms. Fernandez questioned the language regarding the disapproval of a preceptor pursuant to subsection (8). The board asked
29 Mr. Harris to draft language that clearly identifies circumstances that would lead to the revocation of a preceptor certification.
30

31 Regarding subsection (2), Mr. Harris asked the board if an applicant for preceptor certification should submit all other
32 Nursing Home Administrator licenses held, or all licenses held regardless of profession. The board agreed that asking for all
33 professional licenses would provide useful information, and would be important to verify.
34

35 Mr. Harris then referenced subsection (7) and asked the board to define "direct management control." The board agreed that
36 the administrator of record shall be in direct management control. Mr. Lipman then questioned the phrase "facility or
37 facilities." The board agreed that an AIT cannot work within multiple facilities unless preceptor also works in multiple
38 facilities, and the AIT can only work in the other facilities if he or she is being directly supervised by his or her preceptor.
39

40 Mr. Harris stated that he believes the subsections of Rule 64B10-16.0021, F.A.C. could be moved to other sections of the rule
41 chapter, which would then allow the rule itself to be repealed.
42

43 The discussion then moved to Rule 64B10-16.0025, F.A.C. Carol Berkowitz, Esq., representing the Florida Health Care
44 Association (FHCA), had questions about the required 2-hour preceptor refresher course pursuant to subsection (2).
45 Specifically, she wanted to know why FHCA was required to submit materials for approval to offer the course every year,
46 despite the fact that they are already an approved provider. Mr. Gerrity stated that the requirement was created by a past
47 board, and therefore he could not provide any insight into its intent; however, Terry Goodman, former board member/board
48 chair, explained that the phrase "To continue Board approval" referred to the preceptor, not the course provider. Mr. Harris
49 stated that he will clarify this language as part of his revisions.
50

51 Mr. Lipman, referencing Rule 64B10-16.003(3), F.A.C., suggested that the board increase the 60 bed requirement to 100
52 beds, stating that 60 beds may not be enough to prepare an AIT for a larger facility upon completion of their program. Mr.
53 Gerrity argued that the number of beds may not necessarily be indicative of a facility's workload, and stated that he
54 personally would not hire an administrator that he felt was not prepared enough to handle the workload within his own
55 facility.
56

57 Mr. Harris then moved on to Rule 64B10-16.005, F.A.C. and presented a list of concerns regarding subsections (1)(a), (1)(d),
58 (3), and (4). The discussion that ensued did not produce a definitive response.

1
2 The board then opened the discussion for comments from the audience.
3

4 Guerchonite Guillaume, an AIT, had questions about the AIT program and what to expect upon completion of the program.
5

6 Jonathan Grout, Esq., from Goldsmith & Grout, spoke in favor of using the term “may,” as opposed to “shall,” when drafting
7 board rules to allow the board more discretion when it comes to disciplinary actions. Mr. Harris explained that the Joint
8 Administrative Procedures Committee is opposed to the use of “may” in certain circumstances because it would allow the
9 board “unbridled discretion.”
10

11 Mr. Harris concluded the meeting by explaining to the board that he will take their suggestions and have a draft ready to
12 present at their November 20, 2015 meeting.
13

14 **Section II concluded at 4:55 p.m.**

15 **The meeting was adjourned at 4:55 p.m.**